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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 BARTECH SYSTEMS INTERNATIONAL,  
11 INC.,

12 Plaintiff(s),

13 v.

14 MOBILE SIMPLE SOLUTIONS, INC., et  
al.,

15 Defendant(s).

Case No.: 2:15-cv-02422-MMD-NJK

**ORDER**  
(Docket No. 500)

16 Pending before the Court is Plaintiff's motion to seal portions of its motion for leave to file  
17 a third amended complaint. Docket Nos. 500, 501, 502.

18 **I. STANDARDS OVERVIEW**

19 The Ninth Circuit has held that there is a strong presumption of public access to judicial  
20 files and records. *See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir.  
21 2006). A party seeking to file documents under seal bears the burden of overcoming that  
22 presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting  
23 *Kamakana*, 447 F.3d at 1178). A party seeking to maintain the confidentiality of documents must  
24 meet the "compelling reasons" standard. *See Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State*  
25 *Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003); *see also Center for Auto Safety v.*  
26 *Chrysler Group, LLC*, 809 F.3d 1092, 1102.

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Plaintiff cites two reasons for filing a redacted version of the motion for leave to file a third amended complaint. First, Plaintiff submits that the contract at issue was marked confidential under the parties' stipulated protective order. Docket No. 500 at 4. Second, Plaintiff submits that the proposed redactions protect trade secrets.

Further, Plaintiff seeks to protect Defendant GEM's contract and, potential trade-secrets with the proposed redactions. Docket No. 500 at 4. Defendant, however, has not provided the Court with any justification for the redaction, much less a compelling justification. *See* Docket.

To the extent that Defendant GEM believes the documents meet the relevant standard for sealing, it must file a response that includes a declaration in support of the requested redactions. If Defendant fails to file such a response, or the response fails to make the proper showing, the Court will order the document filed on the public record.

For the reasons discussed above, the Court hereby **DEFERS** ruling on Plaintiff's motion to seal. Given that the motion includes material which for which the sealing is sought, the Court **INSTRUCTS** the Clerk's Office to maintain Docket No. 501 under seal until the Court rules on the motion to seal. Any response from Defendant GEM shall be filed no later than October 9, 2018.

Dated: October 2, 2018

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